

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 492, As Amended in the Senate

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO VEHICLE REGISTRATION AND FEES; AMENDING SECTION 49-426, IDAHO CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7008, IDAHO CODE, TO REPLACE REFERENCES TO REGISTRATION NUMBERS WITH REFERENCES TO CERTIFICATES OF NUMBER, TO PROVIDE FOR VESSEL NUMBERS AND VALIDATION STICKERS AND TO REMOVE LANGUAGE RELATING TO CERTAIN REGISTRATION FEES; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7103, IDAHO CODE, TO PROVIDE FOR VALIDATION STICKERS AND TO PROVIDE THAT EACH SNOWMOBILE MUST BE NUMBERED BEFORE IT LEAVES THE PREMISES AT THE TIME OF SALE; AMENDING SECTION 67-7104, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBERING", TO REPLACE REFERENCE TO DISPLAY OF CERTIFICATES OF NUMBER WITH REFERENCE TO DISPLAY OF VALIDATION STICKERS AND TO PROVIDE FOR NONRESIDENT SNOWMOBILE USER CERTIFICATES; AMENDING SECTION 67-7106, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBER"; AMENDING SECTION 67-7108, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW AND TO PROVIDE FOR A PROHIBITION; AMENDING SECTION 67-7112, IDAHO CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED"; AMENDING SECTION 67-7113, IDAHO CODE, TO REVISE A FINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE FOR NUMBER CERTIFICATES, TO REMOVE REFERENCE TO REGISTRATION, TO REVISE PROVISIONS RELATING TO CERTAIN INFORMATION SUBMITTED TO THE DEPARTMENT, TO REVISE PROVISIONS RELATING TO THE SALE OF CERTAIN VEHICLES AND TO PROVIDE FOR VALIDATION STICKERS; AMENDING SECTION 67-7123, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSFER OF NUMBER CERTIFICATES AND TO REMOVE REFERENCE TO REGISTRATION STICKERS; AMENDING SECTION 67-7124, IDAHO CODE, TO REFERENCE NUMBER CERTIFICATES IN REGARD TO NONRESIDENT OWNERS; AMENDING SECTION 67-7125, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "NUMBERING" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7126, IDAHO CODE, TO REMOVE REFERENCE TO REGISTRATION AND TO PROVIDE FOR NUMBER CERTIFICATES AND VALIDATION STICKERS; TO PROVIDE FOR RULES; AMENDING SECTION 67-7003, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7008A, IDAHO CODE, TO REMOVE A REFERENCE TO A REGISTRATION FEE AND TO PROVIDE FOR FEES FOR NUMBERED VESSELS; AMENDING SECTION 67-7010, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATE OF REGISTRATION WITH REFERENCE TO CERTIFICATE OF NUMBER AND TO REPLACE REFERENCE TO DISPLAY OF REGISTRATION NUMBER WITH REFERENCE TO DISPLAY OF VESSEL NUMBER; AMENDING SECTION 67-7013, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATES OF REGISTRATION WITH REFERENCE TO CERTIFICATES OF NUMBER; AMENDING SECTION 67-7014, IDAHO CODE, TO REPLACE REFERENCE TO REGISTERED VESSELS WITH REFERENCE TO NUMBERED VESSELS; AMENDING SECTION 67-7029, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATES OF REGISTRATION WITH REFERENCE TO CERTIFICATES OF NUMBER AND TO PROVIDE THAT CERTAIN PERSONS AUTHORIZED TO ISSUE CERTIFICATES OF NUMBER SHALL BE ASSIGNED A BLOCK OF

1 VESSEL NUMBERS, VALIDATION STICKERS AND CERTIFICATES OF NUMBER; AMEND-  
 2 ING SECTION 67-7040, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATE  
 3 OF REGISTRATION WITH REFERENCE TO CERTIFICATE OF NUMBER; AND PROVIDING  
 4 SEVERABILITY.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 49-426, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-  
 9 ter with respect to operating fees shall not apply to:

10 (1) Motor vehicles owned or leased by the United States, the state, a  
 11 city, a county, any department thereof, any political subdivision or munic-  
 12 ipal corporation of the state, any taxing district of the state, any state  
 13 registered nonprofit subscription fire protection unit, or any organiza-  
 14 tion, whether incorporated or unincorporated, organized for the operation,  
 15 maintenance, or management of an irrigation project or irrigation works or  
 16 system or for the purpose of furnishing water to its members or shareholders,  
 17 but in other respects shall be applicable.

18 (2) Farm tractors, implements of husbandry, those manufactured homes  
 19 which qualify for an exemption under the provisions of section 49-422, Idaho  
 20 Code, road rollers, wheel mounted tar buckets, portable concrete and/or  
 21 mortar mixers, wheel mounted compressors, tow dollies, portable toilet  
 22 trailers, street sweepers, other construction equipment, forestry equip-  
 23 ment, lawn and grounds equipment and similar devices as determined by the  
 24 department which are temporarily operated or moved upon the highways need  
 25 not be registered under the provisions of this chapter, nor shall implements  
 26 of husbandry be considered towed units under registration of vehicle combi-  
 27 nations as defined in section 49-108(2), Idaho Code. In addition, self-pro-  
 28 pelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf  
 29 carts, lawn mowers, and scooters operated by persons who by reason of phys-  
 30 ical disability are otherwise unable to move about as pedestrians shall be  
 31 exempt from registration requirements under the provisions of this chapter.  
 32 Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles  
 33 need not be licensed under the provisions of this chapter or ~~registered~~  
 34 numbered pursuant to the provisions of section 67-7122, Idaho Code, if they  
 35 are being used exclusively in connection with agricultural, horticultural,  
 36 dairy and livestock growing and feeding operations or used exclusively for  
 37 snow removal purposes. Travel upon the public highways shall be limited to  
 38 travel between farm or ranch locations. Motorcycles, motorbikes, utility  
 39 type vehicles and all-terrain vehicles used for this purpose shall meet the  
 40 emblem requirements of section 49-619, Idaho Code.

41 (3) Any political subdivision of the state of Idaho may, but only after  
 42 sufficient public notice is given and a public hearing held, adopt local  
 43 ordinances or resolutions designating highways or sections of highways un-  
 44 der its jurisdiction which are closed to all-terrain vehicles, utility type  
 45 vehicles, specialty off-highway vehicles and motorbikes licensed pursuant  
 46 to this chapter and ~~registered~~ numbered pursuant to section 67-7122, Idaho  
 47 Code. The operation of licensed and ~~registered~~ numbered all-terrain vehi-  
 48 cles, utility type vehicles and motorbikes and those vehicles exempt from

1   licensing and ~~registration~~ numbering pursuant to subsection (2) of this sec-  
 2   tion shall not be permitted on controlled access highways. The requirements  
 3   of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall  
 4   apply to the operation of any all-terrain vehicle, utility type vehicle or  
 5   motorbike upon highways. Costs related to the posting of signs on highways  
 6   or sections of highways that are closed to such vehicles, indicating the  
 7   ordinance, are eligible for reimbursement through the motorbike recreation  
 8   account created in section 67-7126, Idaho Code.

9       (4) The Idaho transportation board may designate sections of state  
 10   highways over which all-terrain vehicles, utility type vehicles, specialty  
 11   off-highway vehicles and motorbikes may cross. The requirements of title  
 12   18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply  
 13   to the operation of all-terrain vehicles, utility type vehicles, specialty  
 14   off-highway vehicles and motorbikes when using designated crossings on  
 15   state highways.

16       (5) All-terrain vehicles, utility type vehicles, specialty off-high-  
 17   way vehicles and motorbikes may be used on highways located on state lands or  
 18   federal lands which are not part of the highway system of the state of Idaho,  
 19   provided the ~~registration~~ numbering requirements of section 67-7122, Idaho  
 20   Code, are met.

21       SECTION 2. That Section 67-7008, Idaho Code, be, and the same is hereby  
 22   amended to read as follows:

23       67-7008. CERTIFICATE OF REGISTRATION NUMBER -- EXPIRATION --  
 24   FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein  
 25   provided, the owner of each vessel requiring numbering by the state of Idaho  
 26   shall file an application for ~~registration~~ certificate of number with an  
 27   assessor or authorized vendor on forms provided by the department. The ap-  
 28   plication shall be signed by the owner and shall be accompanied by the fee  
 29   herein designated. Upon receipt of an application in approved form, and  
 30   the appropriate fee, the assessor or authorized vendor shall enter the same  
 31   upon the records of its office and issue to the applicant two (2) validation  
 32   stickers and a certificate of ~~registration~~ stating the number issued to the  
 33   ~~vessel~~, the receipt of any fee paid and the name and address of the owner,  
 34   and the assessor or authorized vendor shall forward to the department a  
 35   duplicate copy. The owner shall also receive a vessel number that shall be  
 36   permanently assigned to the boat. The owner shall paint on or permanently  
 37   attach to each side of the bow of the vessel the ~~registration~~ vessel number  
 38   and validation sticker in a manner as may be prescribed by rules of the de-  
 39   partment in order that they may be completely visible, and the number shall  
 40   be maintained in legible condition. The certificate of ~~registration~~ number  
 41   shall be pocket-size and shall be on board and available at all times for in-  
 42   spection on the vessel for which issued whenever that vessel is in operation,  
 43   except that livery operators may have the rental agreement on board rented  
 44   vessels in lieu of the certificate of ~~registration~~ number.

45       (2) The owner of any vessel for which a current certificate of  
 46   ~~registration~~ number has been issued pursuant to any federal law or a fed-  
 47   erally approved numbering system of another state shall, if the vessel is  
 48   operated on the waters of this state in excess of sixty (60) days, make appli-

1 cation for a an Idaho certificate of ~~Idaho~~ registration number in the manner  
2 prescribed in this section.

3 (3) Each assessor and authorized vendor shall record, on a form pro-  
4 vided by the department, the names of all owners of vessels who make appli-  
5 cation for certificates of registration number, together with the amount of  
6 the fees paid by the owners. He shall, on or before the tenth of each month,  
7 forward to the department a duplicate copy of each record for the preceding  
8 month.

9 (4) All records of the department made or kept pursuant to this section  
10 shall be kept current and shall be public records.

11 (5) Every certificate of registration number issued shall continue  
12 in full force and effect through December 31 of the year of issue unless  
13 sooner terminated or discontinued in accordance with law. Certificates of  
14 registration number may be renewed by the owner in the same manner provided  
15 for in the initial securing of them.

16 (6) The owner of any vessel shall notify the department within fifteen  
17 (15) days if his vessel is destroyed or abandoned, or is sold or transferred  
18 either wholly or in part to another person or persons or if the owner's  
19 address no longer conforms to the address appearing on the certificate of  
20 registration number. In all such cases, the notice shall be accompanied by  
21 a surrender of the certificate of registration number. When the surrender  
22 of the certificate is by reason of the vessel being destroyed, abandoned or  
23 sold, the department shall cancel the certificate and enter that fact in its  
24 records. If the surrender is by reason of a change of address on the part  
25 of the owner, the new address shall be endorsed on the certificate and the  
26 certificate returned to the owner.

27 (7) Whenever the ownership of a vessel changes, the purchaser shall,  
28 within fifteen (15) days after acquisition, make application to the depart-  
29 ment for transfer to him of the certificate of registration number issued for  
30 the vessel, giving his name, address, and the vessel number of the vessel and  
31 shall, at the same time, pay to the department a transfer fee of three dol-  
32 lars (\$3.00). Upon receipt of the application and fee, the department shall  
33 transfer the certificate of registration number issued for the vessel to the  
34 new owner or owners. Unless the application is made and the fee paid within  
35 fifteen (15) days, the vessel shall be considered to be without a certificate  
36 of registration number.

37 (8) No numbers other than the registration validation stickers and ves-  
38 sel number issued to a vessel or granted by reciprocity pursuant to law shall  
39 be painted, attached, or otherwise displayed on either side of the bow of the  
40 vessel.

41 (9) If any certificate of registration number becomes lost, mutilated,  
42 or becomes illegible, the owner of the vessel for which the same was issued  
43 shall obtain a duplicate of the certificate from the department upon appli-  
44 cation and the payment of a fee of three dollars (\$3.00). If one or both val-  
45 idation stickers are lost, stolen, or destroyed, any sticker remnants and  
46 the certificate of registration number should be returned to the department  
47 along with a three dollar (\$3.00) fee and an application for a duplicate cer-  
48 tificate of registration number and validation stickers.

49 (10) A person engaged in the manufacture or sale of vessels of a type  
50 otherwise required to be numbered by law, may obtain pursuant to regulations

duly promulgated by the department, certificates of registration number for use in the testing or demonstration only of a vessel upon payment of thirteen dollars (\$13.00) for each certificate. Certificates of registration number so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The ~~registration~~ fees shall be:

<del>(a)</del> Vessels 0-12 feet in length	\$20.00
Vessels over 12 feet in length	20.00
plus \$2.00 per foot for each additional foot	
in excess of 12 feet.	

~~(b) The registration fees for new or used vessels which have not previously been registered in Idaho shall be:~~

- ~~(i) For vessels acquired or brought into the state January 1 through March 31, the full amount of the regular fees;~~
- ~~(ii) For vessels acquired or brought into the state April 1 through June 30, seventy-five percent (75%) of the regular fees;~~
- ~~(iii) For vessels acquired or brought into the state July 1 through September 30, fifty percent (50%) of the regular fees;~~
- ~~(iv) For vessels acquired or brought into the state after September 30, twenty-five percent (25%) of the regular fees.~~

~~(c) Each assessor and authorized vendor shall presume that any vessel is subject to the regular certificate of registration fees, unless the applicant can successfully show reasonable proof that the vessel has not previously been registered in Idaho.~~

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of registration fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently registered numbered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The registration fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars (\$2.00) per year.

SECTION 3. That Section 67-7101, Idaho Code, be, and the same is hereby amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

1 (4) "Dealer" means any person who engages in the retail sales of or  
2 rental of snowmobiles, motorbikes, utility type vehicles or all-terrain  
3 vehicles.

4 (5) "Department" means the Idaho department of parks and recreation.

5 (6) "Designated parking area" means an area located, constructed,  
6 maintained, and signed with the approval of the land manager or owner.

7 (7) "Director" means the director of the department of parks and recre-  
8 ation.

9 (8) "Highway." (See section 40-109, Idaho Code, but excepting public  
10 roadway as defined in this section)

11 (9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or  
12 motor-driven cycle, excluding tractor, designed for or capable of traveling  
13 off developed roadways and highways and also referred to as trailbikes, en-  
14 duro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

15 (10) "Off-highway vehicle" means an all-terrain vehicle, motorbike,  
16 specialty off-highway vehicle or utility type vehicle as defined in this  
17 section.

18 (11) "Operator" means any person who is in physical control of a motor-  
19 bike, all-terrain vehicle, utility type vehicle, specialty off-highway ve-  
20 hicle or snowmobile.

21 (12) "Owner" means every person holding record title to a motorbike,  
22 all-terrain vehicle, utility type vehicle, specialty off-highway vehicle  
23 or snowmobile and entitled to the use or possession thereof, other than a  
24 lienholder or other person having a security interest only.

25 (13) "Person" means an individual, partnership, association, corpora-  
26 tion, or any other body or group of persons, whether incorporated or not, and  
27 regardless of the degree of formal organization.

28 (14) "Public roadway" means all portions of any highway which are con-  
29 trolled by an authority other than the Idaho transportation department.

30 (15) "Snowmobile" means any self-propelled vehicle under one thousand  
31 (1,000) pounds unladen gross weight, designed primarily for travel on snow  
32 or ice or over natural terrain, which may be steered by tracks, skis, or run-  
33 ners.

34 (16) "Specialty off-highway vehicle" means any vehicle manufactured,  
35 designed or constructed exclusively for off-highway operation that does not  
36 fit the definition of an all-terrain vehicle, utility type vehicle or motor-  
37 bike as defined in this section. The vehicle classification provided for in  
38 this subsection shall become effective on January 1, 2010.

39 (17) "Utility type vehicle" or "UTV" means any recreational motor vehi-  
40 cle other than an ATV, motorbike or snowmobile as defined in this section,  
41 designed for and capable of travel over designated roads, traveling on four  
42 (4) or more tires, maximum width less than seventy-four (74) inches, maximum  
43 weight less than two thousand (2,000) pounds, and having a wheelbase of one  
44 hundred ten (110) inches or less. A utility type vehicle must have a minimum  
45 width of fifty (50) inches, a minimum weight of at least nine hundred (900)  
46 pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle  
47 does not include golf carts, vehicles specially designed to carry a disabled  
48 person, implements of husbandry as defined in section 49-110(2), Idaho Code,  
49 or vehicles otherwise registered under title 49, Idaho Code. A "utility type  
50 vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

1 (18) "Vendor" means any entity authorized by the department to sell  
2 recreational ~~registrations~~ certificates of number.

3 (19) "Winter recreational parking locations" means designated parking  
4 areas established and maintained with funds acquired from the cross-country  
5 skiing account.

6 SECTION 4. That Section 67-7103, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF ~~NUMBER~~ VALIDATION  
9 STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANS-  
10 FER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November  
11 1 of each year the owner of each snowmobile requiring numbering by the state  
12 of Idaho shall file an application for number with the department on forms  
13 approved by it. The application shall be signed by the owner and shall, ex-  
14 cept as provided in subsection (7) of this section, be accompanied by a fee  
15 of thirty-one dollars (\$31.00). Upon receipt of the application the depart-  
16 ment shall issue to the applicant a certificate of number stating the number  
17 assigned to the snowmobile and the name and address of the owner. The owner  
18 shall attach to the snowmobile the ~~identification number~~ validation sticker  
19 in a manner as may be prescribed by rules of the department. The ~~number~~  
20 validation sticker shall be located on the right and left side of the cowling  
21 of the snowmobile and shall be completely visible and shall be maintained in  
22 legible condition. The certificate of number shall be pocket size and shall  
23 be available at all times for inspection on the snowmobile for which issued,  
24 wherever the snowmobile is in operation.

25 (2) The department may issue any certificate of number directly or  
26 may authorize any persons to act as vendor for the issuance. In the event  
27 a person accepts the authorization, he may be assigned a block of ~~numbers~~  
28 validation stickers and certificates of number which upon issue, in confor-  
29 mity with this chapter and with any rules of the department, shall be valid as  
30 if issued directly by the department.

31 (3) All records of the department made or kept pursuant to this section  
32 shall be public records.

33 (4) Each snowmobile must be ~~registered~~ numbered before it leaves the  
34 premises at the time of sale from any retail snowmobile dealer.

35 (5) The purchaser of a snowmobile shall, within fifteen (15) days im-  
36 mediately after acquisition, make application to the department for trans-  
37 fer to him of the certificate of number issued to the snowmobile, giving his  
38 name, address and the number of the snowmobile and shall at the same time pay  
39 to the department a fee of three dollars (\$3.00). Upon receipt of the appli-  
40 cation and fee, the department shall transfer the certificate of number is-  
41 sued for the snowmobile to the new owner or owners. Unless the application  
42 is made and fee paid within fifteen (15) days, the snowmobile shall be con-  
43 sidered to be without a certificate of number and it shall be unlawful for any  
44 person to operate that snowmobile until the certificate is issued.

45 (6) No number other than the ~~number~~ validation stickers issued to a  
46 snowmobile pursuant to this chapter shall be painted, attached, or otherwise  
47 displayed on the snowmobile, except a temporary number may be attached to  
48 identify a snowmobile for the purpose of racing or other sporting events.

(7) Resident and nonresident owners of snowmobiles used for rental purposes shall purchase ~~certificates of number~~ validation stickers for sixty-one dollars (\$61.00) and the ~~certificates of number~~ validation stickers shall be displayed on the machine at all times.

SECTION 5. That Section 67-7104, Idaho Code, be, and the same is hereby amended to read as follows:

67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The owner of a nonresident, noncommercial snowmobile shall not be required to comply with the ~~registration certificate of numbering~~ requirements of the state of Idaho, but shall be required to obtain a nonresident snowmobile user certificate. A fee of thirty-one dollars (\$31.00) shall be imposed for the issuance of a nonresident snowmobile user certificate. The ~~certificate of number validation stickers~~ shall be displayed in the same manner as provided in section 67-7103, Idaho Code. ~~Such Nonresident snowmobile user~~ certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in section 67-7103, Idaho Code, for numbering of snowmobiles.

(1) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident snowmobile user certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

SECTION 6. That Section 67-7106, Idaho Code, be, and the same is hereby amended to read as follows:

67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH AND RESCUE FUND. (1) Each vendor shall not later than the fifteenth day of each month remit all moneys collected under the provisions of sections 67-7103 and 67-7104, Idaho Code, to the state treasurer for credit to the state snowmobile fund, established in the dedicated fund, to be administered by the director, except that one dollar (\$1.00) from each snowmobile certificate of number fee, one dollar (\$1.00) from each rental certificate of number fee, and one dollar (\$1.00) from each nonresident snowmobile user certificate issued by the vendor shall be credited by the state treasurer to the state snowmobile search and rescue fund created in section 67-2913A, Idaho Code.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys generated for that county during that ~~registration certificate of number~~ period. Counties with a bona fide snowmobile program may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the revenue generated from snowmobile ~~registrations~~ certificates of number each year may be used by the de-



1 department to defray administrative costs. Any moneys unused at the end of the  
2 fiscal year shall be returned to the state treasurer for deposit in the state  
3 snowmobile fund.

4 (4) Vendors shall be entitled to charge an additional one dollar and  
5 fifty cents (\$1.50) handling fee per ~~registration~~ certificate of number for  
6 the distribution of certificates of number. Handling fees collected by the  
7 department shall be deposited to the state snowmobile fund.

8 (5) For those ~~registrations~~ certificates of number not designated to a  
9 bona fide county snowmobile program, the moneys generated shall be deposited  
10 to the state snowmobile fund, and such fund shall be available to the depart-  
11 ment for snowmobile-related expenses.

12 SECTION 7. That Section 67-7108, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVI-  
15 SIONS. The provisions of this chapter shall govern the numbering and  
16 registration of snowmobiles, all-terrain vehicles, motorbikes, specialty  
17 off-highway vehicles and utility type vehicles operated in this state. All  
18 political subdivisions of the state are expressly prohibited from numbering  
19 or registering snowmobiles, all-terrain vehicles, motorbikes, specialty  
20 off-highway vehicles and utility type vehicles in any respect.

21 SECTION 8. That Section 67-7112, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 67-7112. GROOMED SNOWMOBILE TRAILS. Any all-terrain vehicle operat-  
24 ing on groomed snowmobile trails during the winter snowmobiling season when  
25 the trails are groomed shall be ~~registered~~ numbered as a snowmobile under  
26 the provisions of section 67-7103, Idaho Code. Counties shall have the op-  
27 tion to allow all-terrain vehicles, if ~~registered~~ numbered, to use snowmo-  
28 bile trails in the county. No other vehicles shall operate on groomed snow-  
29 mobile trails unless specifically allowed by the county. Violation of the  
30 provisions of this section shall be an infraction.

31 SECTION 9. That Section 67-7113, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. ~~(1)~~ Any per-  
34 son who violates any provision of sections 67-7102 through ~~section~~ 67-7112,  
35 Idaho Code, shall be guilty of an infraction, and shall be punished by a  
36 fine of not less than ~~ten~~ fifty dollars (\$~~50~~50.00) nor more than one hundred  
37 dollars (\$100). In addition thereto, the operator and/or owner of the snow-  
38 mobile shall be responsible and held accountable to the owner of any lands  
39 where trees, shrubs or other property have been damaged as the result of  
40 travel over their premises.

41 SECTION 10. That Section 67-7122, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

67-7122. ~~REQUIREMENTS -- REGISTRATION -- PROCEDURE APPLICATION FOR~~  
~~CERTIFICATE OF NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE --~~  
~~FEES.~~ (1) On or before January 1 of each year, the owner of any all-terrain  
vehicle, motorbike, specialty off-highway vehicle or utility type vehicle  
as defined in section 67-7101, Idaho Code, or any motorcycle as defined in  
section 49-114, Idaho Code, used off public highways, on highways located  
on state lands or federal lands which are not part of the highway system of  
the state of Idaho or on highways as prescribed in section 49-426(3) and  
(4), Idaho Code, but excluding those vehicles used exclusively on private  
land for agricultural use or used exclusively for snow removal purposes as  
provided in section 49-426(2), Idaho Code, shall ~~register~~ obtain a number  
certificate for that vehicle at any vendor authorized by the department.  
Effective January 1, 2010, a fee of twelve dollars (\$12.00) shall be charged  
for each ~~registration number certificate~~, which fee includes a one dollar  
and fifty cent (\$1.50) fee to be retained by the vendor and the remainder  
of which shall be remitted to the department together with a ~~duplicate copy~~  
~~of the application form,~~ information noting the number of the ~~registration~~  
~~sticker certificate~~ issued, the identity of the owner that purchased the  
number certificate, the owner's designated county use area and the type of  
machine to which the owner will affix the certificate of number, e.g., mo-  
torbike, all-terrain vehicle, utility type vehicle or specialty off-highway  
vehicle. The foregoing shall not prohibit the department from collecting  
such further information as it may deem necessary or helpful to its adminis-  
trative duties under this chapter.

(2) At the time of sale from any dealer, each motorbike, all-terrain  
vehicle or utility type vehicle sold to an Idaho resident, but excluding  
those vehicles to be used exclusively on private land for agricultural use or  
used exclusively for snow removal purposes as provided in section 49-426(2),  
Idaho Code, must ~~be registered~~ obtain a number certificate.

(a) Application blanks and ~~registration validation~~ stickers shall  
be supplied by the department and the ~~registration validation~~ sticker  
shall be issued to the person making application for ~~registration~~  
number certificate.

(b) All ~~registration stickers which number certificates that~~ are is-  
sued shall be in force through December 31 of the issued year. All  
~~registration stickers number certificates~~ shall be renewed by the owner  
of the all-terrain vehicle, motorbike, specialty off-highway vehicle  
or utility type vehicle in the same manner provided for in the initial  
securing of the same or with any vendor authorized by the department. A  
vendor issuing a renewal ~~registration sticker number certificate~~ shall  
retain a one dollar and fifty cent (\$1.50) vendor fee and remit the  
remainder of the twelve dollar (\$12.00) renewal ~~registration sticker~~  
~~number certificate~~ fee to the department together with a duplicate  
~~copy of the application form, noting the number of the registration~~  
~~sticker issued~~ information noting the number of the certificate issued,  
the identity of the owner that purchased the number certificate, the  
owner's designated county use area, and the type of machine to which the  
owner will affix the validation stickers, e.g., motorbike, all-ter-  
rain vehicle, utility type vehicle or specialty off-highway vehicle.  
The foregoing shall not prohibit the department from collecting such

1 additional information as it may deem necessary or helpful to its admin-  
2 istrative duties under this chapter.

3 (c) The issued ~~registration~~ validation sticker shall be placed upon the  
4 restricted vehicle license plate of the all-terrain vehicle, motorbike  
5 or utility type vehicle, or upon the right fork of a vehicle registered  
6 pursuant to section 49-402(3), Idaho Code, or of a motorbike if used  
7 exclusively off-highway, or upon the rear fender of an all-terrain ve-  
8 hicle, specialty off-highway vehicle or utility type vehicle if used  
9 exclusively off-highway. The placement shall be made in such a manner  
10 that it is completely visible, does not cover the license plate numbers  
11 or letters, if licensed, and shall be kept in a legible condition at all  
12 times.

13 (3) For operation of a motorbike that meets the requirements speci-  
14 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle  
15 shall also be registered pursuant to the provisions of section 49-402(3),  
16 Idaho Code. A motorbike that meets the requirements specified in sec-  
17 tion 49-114(10), Idaho Code, and that is registered pursuant to section  
18 49-402(3), Idaho Code, shall not be required to obtain a restricted license  
19 plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain  
20 vehicle, specialty off-highway vehicle or utility type vehicle operated  
21 exclusively off-highway or on highways located on state lands or federal  
22 lands which are not part of the highway system of the state of Idaho and that  
23 meet the registration requirements specified in this section shall not be  
24 required to obtain a restricted vehicle license plate pursuant to section  
25 49-402(4), Idaho Code.

26 (4) Nonresidents shall be allowed to purchase a restricted vehicle  
27 license plate pursuant to section 49-402(4), Idaho Code, and/or a ~~sticker~~  
28 number certificate for an all-terrain vehicle, motorbike or utility type  
29 vehicle.

30 SECTION 11. That Section 67-7123, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 67-7123. TRANSFER OF ~~REGISTRATION-STICKER~~ NUMBER CERTIFICATES AND  
33 RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an all-terrain vehicle,  
34 utility type vehicle or motorbike, which has been previously ~~registered~~  
35 issued a number certificate pursuant to section 67-7122, Idaho Code, and  
36 issued a restricted vehicle license plate pursuant to section 49-402, Idaho  
37 Code, shall within fifteen (15) days after acquiring same, make application  
38 to the county assessor or county motor vehicle office as may be designated by  
39 the county assessor for transfer to him of the ~~sticker of registration number~~  
40 certificate and restricted vehicle license plate issued to the vehicle,  
41 giving the same information as on the original application and the number of  
42 the ~~registration-sticker number certificate~~ and restricted vehicle license  
43 plate, and shall at the same time pay a transfer fee of one dollar and fifty  
44 cents (\$1.50).

45 SECTION 12. That Section 67-7124, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1        67-7124. NONRESIDENT -- EXEMPTION. (1) The provisions of section  
 2 67-7122, Idaho Code, regarding ~~registration~~ number certificates shall not  
 3 apply to any nonresident owner; provided the all-terrain vehicle, utility  
 4 type vehicle, specialty off-highway vehicle or motorbike is currently and  
 5 properly registered or numbered in the state of the owner's residence. Own-  
 6 ers of an all-terrain vehicle, utility type vehicle, specialty off-highway  
 7 vehicle or motorbike from states that do not have a registration or numbering  
 8 requirement shall be ~~registered~~ numbered in Idaho under the provisions of  
 9 section 67-7122, Idaho Code, prior to operation in this state.

10        (2) Nonresidents with an all-terrain vehicle, utility type vehicle,  
 11 specialty off-highway vehicle or motorbike registered or numbered in an-  
 12 other state shall have the same use privileges and responsibilities as a  
 13 resident of this state with a properly registered or numbered vehicle.

14        SECTION 13. That Section 67-7125, Idaho Code, be, and the same is hereby  
 15 amended to read as follows:

16        67-7125. NOISE ABATEMENT. (1) Except as hereinafter provided, every  
 17 vehicle subject to ~~registration~~ numbering under section 67-7122, Idaho  
 18 Code, shall comply with the provisions of this section. Every vehicle sub-  
 19 ject to the provisions of this section shall at all times be equipped with  
 20 an exhaust system in good working order and in constant operation. If the  
 21 vehicle was originally equipped with a noise suppressing system or if the  
 22 vehicle is required by law or regulation of this state or the federal gov-  
 23 ernment to have a noise suppressing system, that system shall be maintained  
 24 in good working order. No person shall disconnect, modify or alter any part  
 25 of that system in any manner which will amplify or increase the vehicle's  
 26 noise emission above the noise limits established in subsection (3) of this  
 27 section, except temporarily in order to make repairs, replacements or ad-  
 28 justments. No person shall operate and no owner shall cause or permit to be  
 29 operated any vehicle while the vehicle's noise emission exceeds the noise  
 30 limits established in subsection (3) of this section or while the vehicle's  
 31 noise suppressing system is disconnected, modified or altered in violation  
 32 of the provisions of this section.

33        (2) No person shall operate a vehicle subject to the provisions of  
 34 this section unless that vehicle is equipped with a spark arrester device,  
 35 affixed to the exhaust system, of a type qualified and rated by the United  
 36 States forest service. The provisions of this subsection shall not apply  
 37 to vehicles being operated off the highway in an organized racing or com-  
 38 petitive event which is conducted on private land with the consent of the  
 39 landowner.

40        (3) Any vehicle subject to the provisions of this section shall at all  
 41 times be equipped with a noise suppressing system or other device which lim-  
 42 its noise emission to a base level of not more than ninety-six (96) decibels  
 43 when measured on the "A" scale using standards and procedures established by  
 44 the society of automotive engineers (SAE), specifically SAE standard J1287,  
 45 June, 1988, describing a test of a stationary vehicle with sound measured  
 46 twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or  
 47 as otherwise described. The provisions of this subsection shall not apply  
 48 to vehicles being operated off the highway in an organized racing or com-

petitive event which is conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with chapter 52, title 67, Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June, 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements of the American national standards institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

SECTION 14. That Section 67-7126, Idaho Code, be, and the same is hereby amended to read as follows:

67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The twelve dollar (\$12.00) fee collected for off-highway vehicle ~~registration stickers~~ number certificates shall be allocated as follows:

(1) Vendors shall charge and retain one dollar and fifty cents (\$1.50) for a handling fee;

(2) Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of ~~registration~~ number certificates and validation stickers, which moneys shall be placed in the motorbike recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;

(3) One dollar (\$1.00) shall be deposited into the off-highway vehicle law enforcement fund. Moneys in said fund shall be paid and used as follows:

(a) Sheriffs of counties with a current or an actively developing off-highway vehicle law enforcement program recognized by the department shall receive moneys from the fund based upon a formula as provided in rule promulgated by the board; and

(b) Moneys from the fund shall be used only for off-highway related law enforcement activities; and

(4) One dollar (\$1.00) shall be allocated to the Idaho department of lands to provide off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle use. The department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection; and

(5) The remaining funds shall be transmitted to the state treasurer's office for deposit to the credit of the motorbike recreation account, all such moneys to be transmitted to the state treasurer on or before the tenth day of each month.

1 Collection of fees for off-highway vehicle ~~registration number~~ certificates  
 2 shall not impose any additional liability on the state of Idaho or any of its  
 3 political subdivisions or upon the employees of the state and of its polit-  
 4 ical subdivisions, and those entities and persons shall retain the limita-  
 5 tions of liability provided by section 36-1604, Idaho Code, regardless of  
 6 the use of such fees.

7 SECTION 15. The department and the board are hereby authorized and di-  
 8 rected to adopt and/or amend rules necessary to implement the provisions of  
 9 this act.

10 SECTION 16. That Section 67-7003, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 67-7003. DEFINITIONS. In this chapter:

13 (1) "Actual physical control" means being in the operator's position of  
 14 the vessel with the motor running or with the vessel moving.

15 (2) "Aids to navigation" means such buoys, batons, markers or other  
 16 fixed objects in the water which are established and used to mark obstruc-  
 17 tions or to direct navigation through separate channels.

18 (3) "Authorized vendor" means a retail/commercial enterprise or  
 19 government office authorized by the department to sell certificates of  
 20 registration number as provided in section 67-7008, Idaho Code.

21 (4) "Boating law administrator" means the staff person of the Idaho de-  
 22 partment of parks and recreation appointed by the director and who super-  
 23 vises the boating program.

24 (5) "Commercial vessel" means any vessel used in the carriage of any  
 25 person, persons or property for a valuable consideration, whether directly  
 26 or indirectly flowing to the owner, partner, agent or any other person inter-  
 27 ested in the vessel.

28 (6) "Department" means the Idaho department of parks and recreation.

29 (7) "Director" means the director of the Idaho department of parks and  
 30 recreation.

31 (8) "Float house" means a floating structure which is designed and  
 32 built to be used, or is modified to be used, as a stationary waterborne resi-  
 33 dential dwelling, has no mode of power of its own, is dependent for utilities  
 34 upon a continuous utility linkage to a source originating on shore, and has a  
 35 permanent continuous connection to a sewage system on shore.

36 (9) "Float tube" means any vessel constructed of canvas, nylon or other  
 37 material encasing an inflatable inner tube which allows the operator to sit  
 38 inside with his legs dangling below the vessel.

39 (10) "Length of vessel" means the distance measured at the centerline  
 40 at the highest point above the waterline from the fore-part of the outer  
 41 hull at the bow to the aft-part of the outer hull at the stern, excepting any  
 42 bowsprits, railings or extraneous or additional equipment.

43 (11) "Manufacturer" means any person who is engaged in the business of  
 44 manufacturing or importing new and unused vessels for the purpose of sale or  
 45 trade.

46 (12) "Operate" means to navigate or otherwise use a vessel on the water  
 47 of this state.

1 (13) "Operator" means any person who controls the direction or propul-  
2 sion of any vessel on the water of this state.

3 (14) "Owner" means any person having a property interest in or entitled  
4 to the use or possession of a vessel, including a person entitled to use or  
5 possession subject to the interest in another person reserved or created by  
6 agreement and securing payment of performance of an obligation, but not in-  
7 cluding a lessee under lease not intended as security.

8 (15) "Passenger" means every person carried aboard a vessel other than:

9 (a) The owner or his representative;

10 (b) The operator;

11 (c) A bona fide member of the crew engaged in the business of the vessel  
12 who has contributed no consideration for carriage and who is paid for  
13 his services; or

14 (d) Any guest on board a vessel which is used exclusively for pleasure  
15 purposes who has not contributed any consideration directly or indi-  
16 rectly for his carriage.

17 (16) "Person" means any individual, firm, partnership, corporation,  
18 company, association, joint stock association, or body politic, except the  
19 United States and the state of Idaho, and includes any agent, trustee, execu-  
20 tor, reserve assignee or similar representative of any of the above.

21 (17) "Personal watercraft" means a small vessel which uses an outboard  
22 motor or an inboard motor powering a water jet pump as its primary source of  
23 power and is designed to be operated by a person sitting, standing or kneel-  
24 ing on, rather than in the conventional manner of sitting or standing inside  
25 the vessel.

26 (18) "Private label merchandiser" means any person engaged in the busi-  
27 ness of selling or distributing, under his own trade name, vessels manufac-  
28 tured by another.

29 (19) "Regatta," "Race," "Marine Event," "Tournament," or "Exhibition"  
30 means an organized water event of limited duration which is conducted ac-  
31 cording to a prearranged schedule.

32 (20) "Regulatory markers" means any fixed or anchored aid to navigation  
33 which is established and used, but is not limited to, the bathing beach mark-  
34 ers, speed zone markers, information markers, swimming or diving markers,  
35 floating mooring buoys, fishing buoys or markers for ski courses or jumps.

36 (21) "Rules of the road" means the statutory and regulatory rules gov-  
37 erning the navigation of vessels as published by the United States Coast  
38 Guard in Navigational Rules International -- Inland.

39 (22) "Vessel" means every description of watercraft, including a sea-  
40 plane on the water, used or capable of being used as a means of transportation  
41 on water, but does not include float houses, diver's aids operated and de-  
42 signed primarily to propel a diver below the surface of the water, and nonmo-  
43 torized devices not designed or modified to be used as a means of transporta-  
44 tion on the water, such as inflatable air mattresses, single inner tubes, and  
45 beach and water toys.

46 (23) "Water of this state" means any waters in the state of Idaho over  
47 which the state has jurisdiction.

48 SECTION 17. That Section 67-7008A, Idaho Code, be, and the same is  
49 hereby amended to read as follows:

67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1)  
In addition to any other moneys or fees collected pursuant to the provisions  
of section 67-7008, Idaho Code, or any other provision of chapter 70, title  
67, Idaho Code, all vessels shall pay an additional fee each calendar year as  
follows:

(a) Motorized vessels and sailboats:

- (i) Ten dollars (\$10.00) per vessel ~~registered~~ numbered in the  
state of Idaho prior to launch into the public waters of the state;
- (ii) Twenty-two dollars (\$22.00) per vessel documented through  
the United States coast guard or registered or numbered outside  
the state of Idaho prior to launch into the public waters of the  
state.

(b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to  
launch into the public waters of the state.

(c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code,  
with nonmotorized fleets exceeding five (5) vessels shall be afforded a  
prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten  
(10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty  
(20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or  
more vessels up to a maximum of one hundred (100) vessels. The fee for  
any additional vessels shall be one dollar (\$1.00) per vessel. The li-  
censed outfitter group rates shall also be available for groups exempt  
from licensing pursuant to section 36-2103, Idaho Code.

(2) Upon payment of the fee as provided in this section, the payor shall  
be issued a protection against invasive species sticker that shall be dis-  
played on the vessel in a manner as prescribed by the rules of the department.  
Stickers shall be considered in full force and effect through December 31 of  
the year of issue.

(3) Fees shall be collected by the department or authorized vendor.

(a) Vendors may retain one dollar and fifty cents (\$1.50) of fees col-  
lected pursuant to this section except those collected pursuant to sub-  
section (1)(a)(i) of this section.

(b) The department shall retain up to twenty percent (20%) of the fees  
for the actual costs of administering the sticker program.

(c) All remaining fees collected pursuant to this section shall be de-  
posited in the invasive species fund established in section 22-1911,  
Idaho Code.

(d) For the purpose of this section, "vessel" is defined in section  
67-7003(22), Idaho Code. All vessels are subject to the provisions of  
this section, with the exception of small rafts and other inflatable  
vessels less than ten (10) feet in length.

(4) If the protection against invasive species sticker is lost, stolen  
or destroyed, any sticker remnants shall be returned to the department along  
with a three dollar (\$3.00) fee for a duplicate sticker.

(5) A person engaged in the manufacture or sale of vessels may obtain  
a sticker to be used in the testing or demonstration only of vessels by tem-  
porary placement of the protection against invasive species sticker on the  
vessel tested or demonstrated.

SECTION 18. That Section 67-7010, Idaho Code, be, and the same is hereby  
amended to read as follows:



1        67-7010. UNNUMBERED VESSELS. (1) It shall be unlawful for an owner of  
 2 a vessel to have such vessel on the waters of the state of Idaho, or for any  
 3 person to operate or permit the operation of any vessel on the waters of the  
 4 state of Idaho unless it shall have a current certificate of ~~registration~~  
 5 number and display a ~~registration~~ vessel number and current validation  
 6 stickers as provided by law.

7        SECTION 19. That Section 67-7013, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9        67-7013. REMITTANCE OF FEES. (1) There is established in the state  
 10 treasury an account known as the "State Vessel Account," to which shall be  
 11 credited:

12        (a) Moneys or fees collected by assessors and authorized vendors, under  
 13 the provisions of this section and section 67-7008, Idaho Code; and

14        (b) All other moneys as may be provided by law.

15        (2) All fees collected by an assessor or authorized vendor under the  
 16 provisions of section 67-7008, Idaho Code, shall be forwarded to the state  
 17 treasurer not later than the fifteenth day of the month following the cal-  
 18 endar month in which the fees were collected, and the state treasurer shall  
 19 then pay the moneys collected into the state vessel account and the park and  
 20 recreation account, as provided in subsection (3) of this section, unless  
 21 otherwise provided by law.

22        (3) Moneys collected shall be deposited eighty-five percent (85%) to  
 23 the state vessel account, and fifteen percent (15%) to the park and recre-  
 24 ation account established in section 67-4225, Idaho Code. The department  
 25 shall remit the moneys apportioned to county units of government from the  
 26 state vessel account not later than January 25, April 25, July 25 and Octo-  
 27 ber 25 of each year.

28        (4) All moneys deposited to the park and recreation account are to be  
 29 appropriated for the purpose of defraying the expenses, debts and costs in-  
 30 curred in carrying out the powers and duties of the department as provided in  
 31 this chapter, and for defraying administrative expenses of the department,  
 32 including salaries and wages of employees of the department, expenses for  
 33 traveling, supplies, equipment and other necessary expenses of the depart-  
 34 ment as they relate to administration of this chapter. All claims against  
 35 moneys apportioned to the park and recreation account shall be expended  
 36 by the department and certified to the state controller, who shall, upon  
 37 approval of the board of examiners, draw his warrant against the park and  
 38 recreation account for all bills and claims allowed by the board. Should  
 39 the related administrative costs of the department amount to less than the  
 40 moneys apportioned to the park and recreation account for such purposes,  
 41 the difference shall be remitted to the state vessel account and then appor-  
 42 tioned to all counties with a boating improvement program so that the amount  
 43 apportioned to each eligible county will be in the same ratio as the county's  
 44 amount of funds received from the state vessel account during the prior fis-  
 45 cal year by a county bears to the total amounts received during that prior  
 46 fiscal year by all eligible counties.

47        (5) All moneys deposited to the state vessel account and appropriated  
 48 to the department, shall be apportioned among the counties of the state based

1 on the designations which the owners make on their application for a certifi-  
 2 cate of registration number.

3 (a) An owner, when purchasing a certificate of registration number,  
 4 will be allowed to designate, on the appropriate form, a primary and  
 5 secondary eligible county where his boating activity occurs. The por-  
 6 tion of his fees which are appropriated from the state vessel account  
 7 shall be apportioned to the designated counties, with seventy percent  
 8 (70%) of those fees apportioned to the primary designated county and  
 9 thirty percent (30%) apportioned to the secondary designated county.

10 (b) Should an owner designate on the appropriate form only one (1) eli-  
 11 gible county where his boating activity occurs, the full portion of his  
 12 fees which are appropriated from the state vessel account shall be ap-  
 13 portioned to the designated county.

14 (c) Should an owner fail to designate on the appropriate form any eli-  
 15 gible county where his boating activity occurs, the full portion of his  
 16 fees which are appropriated from the state vessel account shall be ap-  
 17 portioned to all counties with a boating improvement program so that the  
 18 amount apportioned to each eligible county will be in the same ratio as  
 19 the county's amount of funds received from the state vessel account dur-  
 20 ing the prior three (3) month payment period bears to the total amounts  
 21 received during that prior three (3) month payment period by all eligi-  
 22 ble counties.

23 (6) Only those counties in the state with a boating improvement pro-  
 24 gram, as recognized by the department, shall be eligible to receive moneys  
 25 from the state vessel account. A "boating improvement program" means that  
 26 one or more recognized boating facilities are being developed and/or main-  
 27 tained within the county's jurisdiction and/or that the county has or is ac-  
 28 tively developing a recognized boating law enforcement program.

29 (7) Moneys apportioned to the eligible counties shall be placed in and  
 30 credited to an account which shall be known and designated as the county ves-  
 31 sel fund, which shall be used and expended by the board of county commission-  
 32 ers for the protection and promotion of safety, waterways improvement, cre-  
 33 ation and improvement of parking areas for boating purposes, making and im-  
 34 proving boat ramps and moorings, marking of waterways, search and rescue,  
 35 and all things incident to such purposes including the purchase of real and  
 36 personal property. The board of county commissioners is also authorized to  
 37 use and expend funds from the county vessel fund outside the county when the  
 38 board deems it advisable and for the public good.

39 (8) Within sixty (60) calendar days of the end of each county fiscal  
 40 year, the county clerk shall calculate the ending fund balance of the county  
 41 vessel fund for that fiscal year. If the ending fund balance is higher than  
 42 the amount of revenues deposited in the county vessel fund from the state  
 43 vessel account during that fiscal year, then the difference shall be remit-  
 44 ted to the state vessel account within thirty (30) calendar days of that cal-  
 45 culation. Moneys remitted to the state vessel account, in accordance with  
 46 the provisions of this section, shall be apportioned to all counties with a  
 47 boating improvement program so that the amount apportioned to each eligible  
 48 county will be in the same ratio as the county's amount of funds received from  
 49 the state vessel account during the prior county fiscal year bears to the to-  
 50 tal amounts received during that prior county fiscal year by all eligible

counties. The provisions of this subsection shall not apply to specific sums of money in county vessel accounts, for which the county commissioners have given written notice, to the department of parks and recreation of an intention to retain those funds for a specific purpose. The notice shall specify the amount of the funds to be held, indicate the purpose for which the funds shall be utilized and provide the date when the funds will be expended. If an amended notice is not submitted by the county commissioners, moneys not expended or contractually committed by the date stated in the original notice of the board of county commissioners shall revert to the state vessel account for distribution as provided in this subsection. All interest earned on moneys invested from a county vessel fund shall return to the county vessel fund.

SECTION 20. That Section 67-7014, Idaho Code, be, and the same is hereby amended to read as follows:

67-7014. ADMINISTRATIVE FEES FOR VESSELS. (1) An administrative fee of not more than one dollar and fifty cents (\$1.50) may be collected in addition to each vessel license tax collected under the provisions of section 67-7008, Idaho Code.

(2) When an assessor collects the fees, the administrative fee shall be paid to the county treasurer where the vessel is licensed and be placed in the county current expense fund for the purpose of defraying related administrative costs. The amount of the administrative fee to be collected by an assessor for each vessel shall be set by the respective boards of county commissioners conditioned on the annual budget request of their county assessor for the administration of vessel registration fees.

(3) When an authorized vendor collects the fees, the administrative fee shall be set and retained by the authorized vendor where the vessel is ~~registered~~ numbered. The administrative fee shall be used to defray related administrative costs.

SECTION 21. That Section 67-7029, Idaho Code, be, and the same is hereby amended to read as follows:

67-7029. AGENTS OF THE DEPARTMENT. (1) The assessors of various counties of the state shall be agents of the department and shall perform such duties as are prescribed by law.

(2) The department may authorize any person to act as agent for the issuance of certificates of ~~registration number~~. In the event a person accepts such authorization, he shall be assigned a block of vessel numbers, validation stickers and certificates of number, which upon issuance in conformity with law and with any rules of the department shall be valid as if issued directly by an assessor.

SECTION 22. That Section 67-7040, Idaho Code, be, and the same is hereby amended to read as follows:

67-7040. APPLICATION TO CERTAIN VESSELS. (1) The provisions of the vessel titling act shall apply to every 2000 and newer model year vessel upon transfer of ownership, and optionally to all other vessels of a model year

1 prior to 2000, effective on and after January 1, 2000, even though vessels  
2 need not be registered under the provisions of chapter 4, title 49, Idaho  
3 Code. Vessels shall be issued a certificate of ~~registration~~ number as pro-  
4 vided in section 67-7008, Idaho Code.

5 (2) The provisions of the vessel titling act shall apply exclusively to  
6 vessels with a permanently attached mode of propulsion, such as: an inboard  
7 motor, sail, personal watercraft, or other propelling machinery, and all  
8 vessels over twelve (12) feet regardless of mode of propulsion, except: row-  
9 boats, driftboats, canoes, kayaks, inflatable vessels, rafts, barges, non-  
10 motorized paddle vessels, sailboards, tenders, seaplanes, documented ves-  
11 sels, and vessels owned by the United States or a foreign state or political  
12 subdivision.

13 (3) Once titled, the vessel remains a titled vessel, and is subject to  
14 the requirements of chapter 5, title 49, Idaho Code.

15 SECTION 23. SEVERABILITY. The provisions of this act are hereby de-  
16 clared to be severable and if any provision of this act or the application  
17 of such provision to any person or circumstance is declared invalid for any  
18 reason, such declaration shall not affect the validity of the remaining por-  
19 tions of this act.